

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

PHILIP ANTHONY BONADONNA,	§	<b>09 CA 40011 RWZ</b>
Petitioner	§	
	§	
	§	
v	§	
	§	
	§	
UNITED STATES DEPARTMENT OF	§	
JUSTICE,	§	
	§	
Respondent.	§	

CRM-200800043F

DOJ REQUEST NO.  
06-2538

MAGISTRATE JUDGE *Bowler*

MOTION TO ENFORCE A  
FREEDOM OF INFORMATION ACT REQUEST

NOW COMES, Philip Anthony Bonadonna, hereinafter the Petitioner, filing this proceeding Pro Se, who has been requesting, with due diligence, confirmation of Russell Zoellner, Jr.'s death. Petitioner's numerous Freedom Of Information Act (FOIA) requests have not prevailed; therefore, Petitioner has filed this motion.

Petitioner has written to the United States Department of Justice's criminal division who instructed Petitioner to contact the Office Of Enforcement Operations, Witness Security Unit. When Petitioner wrote, Eileen Ruleman, chief of said division, said the requested information can not be sent to Petitioner, inspite of Petitioner's complying with Justice Department's instructions:

- 1) Writing to appropriate government authorities
- 2) Providing a detailed explanation for the purpose of request

In support of Petitioner's request, please review attached correspondences. A letter, dated February 13, 2008, from Thomas Taylor, Associate Director, of the Department of Justice, cites the Petitioner's right to seek judicial review in a federal court.

The purpose of the Freedom of Information Act is to pierce the veil of administrative secrecy and open agency action to the light of public scrutiny; Dept of Air Force v. Rose, 1976, 425, U.S. 352 at 361, 96 S.Ct. 1592, 48 L.Ed 2d 11. FOIA embodies "a general philosophy of full agency disclosure unless information is exempted under clearly delineated statutory language." Rose at 360-61. FOIA accordingly mandates a strong presumption in favor of disclosure; United States Dept of State v. Ray, 1991, 502 U.S. 164 at 173, 112 S.Ct. 541, 116 L.Ed 2d 526.

A person's rights under FOIA are neither diminished nor enhanced by "litigation-generated need" for agency documents; NLRB v. Robbins Tire & Rubber Co., 1978, 437 U.S. 214 at 242, 98 S.Ct. 2311, 2327, 57 L.Ed 2d 159. The need for a document is irrelevant to the question whether a statutory exemption allows the agency to withhold that document; DOJ v. Reporters Committee for Freedom of the Press, 1989, 489 U.S. 749 at 771-72, 109 S.Ct. 1468, 103 L.Ed 2d 774. The motive for an FOIA request is not relevant to whether the information must be disclosed; Federal Bureau of Investigation v. Abranson, 1982, 456 U.S. 615 at 631, 102 S.Ct. 2054, 2064, 72 L.Ed 2d 376 (1982). Although the FOIA was not principally intended to be a device enlarging the scope of private discovery in litigation, the statute compels disclosure of nonexempt documents to "any person" without regard to the limitations on discovery by parties to civil or criminal litigation; Title 5 U.S.C. § 552(a)(3); John Doe Corp v. John Doe Agency, CA 1998, 950 F.2d 105 at 108.

After twenty five years, the only existing danger, in honoring Petitioner's FOIA request, is denying Petitioner his due process of law and equal protection, Fifth and Fourteenth Amendment rights.

In conclusion, Petitioner, Philip Anthony Bonadonna, implores this Court to order the Department of Justice to honor his request for confirmation of Russell Zoellner, Jr.'s death.

Dated: this 30 day of December, 2008.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Philip Anthony Bonadonna', written over a horizontal line.

Philip Anthony Bonadonna  
Pro Se Petitioner

Philip A. Bonadonna  
Reg. # 04722-016  
F.M.C. Devens  
P.O. Box 879  
Ayer, MA 01432

December 30, 2008

United States Attorney's Office  
Michael J. Sullivan, U.S.A.  
John Joseph Moakley Courthouse  
One Courthouse Way - Suite 9200  
Boston, MA 02210

RE: The filing of a Motion to Enforce A freedom Of Information Act  
Request with the District Of Massachusetts Federal Court

Dear Sir:

I am enclosing a copy of the Motion I have filed with the Federal  
District Court in Boston Massachusetts for your review.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. A. Bonadonna', written over a horizontal line.

Phillip A. Bonadonna

Philip A. Bonadonna  
Reg. # 04722-016  
F.M.C. Devens  
P.O. Box 879  
Ayer, MA 01432

December 30, 2008

Clerk Of The Court  
United States District Court  
District Of Massachusetts  
Suite 2300  
One Courthouse Way  
Boston, MA 02210


RE: Motion to Enforce a Freedom of Information Act Request.

Dear Clerk Of The Court:

I have enclosed three (3) copies of a Motion to Enforce a Freedom Of Information Act Request. I am sending the United States Attorney's Office one copy under separate cover. Please file the enclosed copies and distribute them to the appropriate parties.

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. A. Bonadonna', written over a horizontal line.

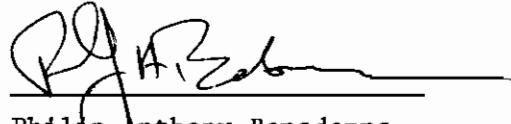
Philip A. Bonadonna

cc: United States Attorney's Office

CERTIFICATION

I hereby certify, under the penalty of perjury, that the foregoing Motion to Enforce a Freedom of Information Act Request is true and accurate.

Executed on this 30 day of December, 2008.

  
Philip Anthony Bonadonna  
Reg. # 04722-016  
F.M.C. Devens  
P.O. Box 879 - Unit \_\_\_\_  
Ayer, MA 01432

CERTIFICATE OF SERVICE

I hereby certify, under penalty of perjury, that a true and accurate copy(ies) of the foregoing Motion to Enforce a Freedom Of Information Act Request was inserted in an envelope, First Class postage prepaid, addressed to the parties listed below, then placed in the hand of F.M.C. Devens staff to be mail accordingly:

Clerk Of The Court  
United States District Court  
District Of Massachusetts  
Suite 2300  
One Courthouse Way  
Boston, MA 02210

U.S. Attorney's Office  
Michael J. Sullivan, U.S.A.  
John Joseph Moakley Courthouse  
One Courthouse Way - Suite 9200  
Boston, MA 02210